

**VIRGINIA BOARD OF MEDICINE
MINUTES – DRAFT APPROVED**

Wednesday, January 31, 2007 Department of Health Professions Richmond, Virginia

CALL TO ORDER: A panel of the Board convened by conference call pursuant to Va. Code §54.1-2400(13) in order to consider a settlement proposal in a matter currently pending 9:16 a.m.

MEMBERS PRESENT: Sandra A. Bell, M.D., Chair
Ellen Shapiro, D.P.M.
Ann Burks, J.D. *[by phone]*
Valerie L. Hoffman, D.C. *[by phone]*
Brent Lambert, M.D. *[by phone]*

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager

OTHERS PRESENT: James Schliessmann, Assistant Attorney General *{by phone}*
Nancy L. Walsh, Adjudication Specialist

MATTER: Maria de Jesus Baltierra, M.D. License No.: 0101-049113
Case No.: 105867

DISCUSSION: Mr. Schliessmann presented a Consent Order to the Board for consideration in lieu of proceeding to the formal hearing scheduled to convene February 22-24, 2007. Details of the case were presented to the Board by Mr. Schliessmann.

DECISION: Upon a motion by Ms. Burks, and duly seconded by Dr. Hoffman, the Board voted to accepted the Consent Order as presented. The Consent Order made certain Findings of Fact and Conclusions of Law and issued Dr. Baltierra a reprimand.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 9:25 a.m.

The Consent Order will become effective upon endorsement by the Board of its findings, conclusions, and terms of consent.

Sandra A. Bell, M.D., Chair

William L. Harp, M.D., Executive Director

Date

Date

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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 9:30 a.m.

MEMBERS PRESENT: Sandra A. Bell, M.D., Chair
Gopinath R. Jadhav, M.D.
Ellen Shapiro, D.P.M.

STAFF PRESENT: Barbara Matusiak, Medical Review Coordinator
Jennifer L. Deschenes, Deputy Executive Director, Discipline
Leigh Kiczales, Adjudication Specialist
Renée S. Dixon, Discipline Case Manager

OTHERS PRESENT: Ann G. Craft, Pastor [*on behalf of Dr. Gutcher*]
Edward Karotkin, M.D. [*on behalf of Dr. Gutcher*]
Ms. Dirscell Jones

MATTER SCHEDULED: **Gary Robert Gutcher, M.D.** **License No.: 0101-040509**
Case Nos.: 97951 & 98820

PRELIMINARY MATTERS: 1) Dr. Bell disclosed that both she and Dr. Gutcher are on staff at MCV/VCU Medical Center, Pediatric Unit. Dr. Bell stated that she could render an impartial and fair decision in this matter. No objections were noted by the remaining Committee members or Dr. Gutcher by counsel to Dr. Bell's continued participation in this informal conference.

2) Dr. Jadhav disclosed that the law firm of LeClair Ryan, which was representing Dr. Gutcher at the informal conference, was also the law firm that represents him in corporate matters. Dr. Jadhav stated that he could render an impartial and fair decision in this matter. No objections were noted by the remaining Committee members or Dr. Gutcher by counsel to Dr. Jadhav's continued participation in this informal conference.

DISCUSSION: Dr. Gutcher appeared before the Committee in person in accordance with a Notice of the Board dated November 2, 2006. Dr. Gutcher was represented by Linda B. Georgiadis, Esquire and Rodney Adams, Esquire. The Committee fully discussed the allegations in the Notice with Dr. Gutcher.

CLOSED SESSION: Upon a motion by Dr. Jadhav, and duly seconded by Dr. Shapiro, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Gutcher. Additionally, he moved that Ms. Deschenes and Dr. Matusiak attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Jadhav, and duly seconded by Dr. Shapiro, the Committee made certain Findings of Fact and voted to dismiss the matter.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 2:50 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Gutcher, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Gutcher within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Sandra A. Bell, M.D., Chair

William L. Harp, M.D., Executive Director

Date

Date

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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 3:00 p.m.

MEMBERS PRESENT: Diana Houle, P.A., Chair
Sandra A. Bell, M.D.
Gopinath R. Jadhav, M.D.

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Julia Bennett, Adjudication Specialist
Renée S. Dixon, Discipline Case Manager

MATTER SCHEDULED: Joseph Fischkelta, P.A. License No.: 0110-840657
Case No.: 103542

PRELIMINARY MATTERS: The Chair noted that the time was 3:03 p.m. and Mr. Fischkelta was not present for his informal conference which was scheduled to convene at 11:30 a.m. Ms. Bennett advised that no written or verbal communication had been received from Mr. Fischkelta. Also, the certified mailing of the Notice had been signed for and noted a signature that appear to read

“Fischkelta” and the 1st call mailing had not been returned. In addition, the Notice was sent to Mr. Fischkelta’s address of record with the Board.

RULING: Based on the information presented, the Chair ruled that proper notice had been made to Mr. Fischkelta, therefore, the informal conference would proceed in his absence.

DISCUSSION: Mr. Fischkelta did not appear before the Committee in person in accordance with a Notice of the Board dated December 21, 2006. Mr. Fischkelta was not represented counsel. The Committee received information regarding the allegations from Ms. Bennett.

DECISION: Upon a motion by Dr. Bell, and duly seconded by Dr. Jadhav, the Committee voted to refer this matter to a formal hearing since they were unable to resolve this matter within the limits of its statutory authority.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 3:07 p.m.

A formal hearing will be scheduled at a future date before the Board, or a panel thereof, for a final determination.

Diana Houle, P.A., Chair

William L. Harp, M.D., Executive Director

Date

Date

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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 3:07 p.m.

MEMBERS PRESENT: Gopinath R. Jadhav, M.D., Chair
Jody Forman, M.S.W., L.Ac.
Sandra A. Bell, M.D.

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager
Leigh Kiczales, Adjudication Specialist

OTHERS PRESENT: Patient A
Stephen A. Bamberger, Esquire
LeAnn Stumm, Investigator

MATTER SCHEDULED:

Samuel S. Syn, L.Ac.
Case No.: 100000, 86207

License No.: 0121-00009

PRELIMINARY MATTERS:

The Chair noted that the time was 3:10 p.m., and Mr. Syn was not present for his informal conference, which was scheduled to convene at 11:30 a.m. Ms. Kiczales advised that no written or verbal communication had been received from Mr. Syn. Further, the Chair was advised by board staff that this matter had been previously continued at the request of Mr. Syn. Also, the rescheduling notice had been sent to Mr. Syn's address of record and the certified mail had been signed for with a signature that appeared to read "Samuel Syn" and the 1st class mail had not been returned.

RULING:

Based on the information presented, the Chair ruled that proper notice had been made to Mr. Syn; therefore, the informal conference would proceed in his absence.

DISCUSSION:

Mr. Syn did not appear before the Committee in person in accordance with a Notice of the Board dated September 22, 2006. Mr. Syn was not represented counsel. The Committee received information regarding the allegations from Ms. Kiczales and other parties present.

CLOSED SESSION:

Upon a motion by Dr. Bell, and duly seconded by Ms. Forman, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Mr. Syn. Additionally, she moved that Ms. Deschenes and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Bell, and duly seconded by Ms. Forman, the Committee voted to refer this matter to a formal hearing since it was unable to resolve this matter within the limits of its statutory authority.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 3:45 p.m.

A formal hearing will be scheduled at a future date before the Board, or a panel thereof, for final determination.

Gopinath Jadjav, M.D., Chair

William L. Harp, M.D., Executive Director

Date

Date